

The Railway Labor Act was adopted in 1926 to provide for speedy administrative resolution of labor-management disputes. Section 1 of the RLA describes employers who are subject to the act's regulations: The term "carrier" includes any express company, sleeping car company, carrier by railroad subject to the Interstate Commerce Act.

So, they found, then, that it was an express carrier, and then in 1936, I am reading also from the finding:

The RLA was amended to include air carriers within its regulatory ambit.

That is exactly what was reaffirmed here in 1993:

Federal Express Corporation has been found to be a common carrier as defined under 45 U.S.C. 151, 1st, and section 1(e)(1) of the Act.

Now they have been found both ways. We are not trying to start anything new.

For 25, 30 years now this thing has been governing all the cases, bringing it right up to date with respect to that Philadelphia case. There is no question that the National Mediation Board ruled, they ruled with respect to the Railway Labor Act. No reference was relayed on with respect to express language.

On November 22—and, procedurally, the NLRB is now making a final ruling there. So this is not any last-minute thing by Mr. LIPINSKI, saying it was brought up at the last minute. He was prepared. He said, "This will kill the bill. We will filibuster it," and everything else. They have political clout. But I think truth ought to have some political clout.

When an honest mistake is made, when no Senator and no Congressman ever even suggested it, now, in the aura of dignity, they say, "Hearings, hearings, where are the hearings?" Well, where in the world were the hearings that brought about this deletion that we are trying to correct? That is exactly the point. They did not have hearings. No one understood it. No one proposed it. They made an honest mistake.

I reserve the remainder of my time.

Mr. SHELBY addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator is recognized.

TRIBUTE TO RETIRING SENATORS

Mr. SHELBY. Mr. President, this, we hope, will be the last day of this Congress, and I would be remiss if I did not have some remarks about some of my colleagues, on both sides of the aisle, who are retiring.

The first one I would like to mention is my colleague from Alabama, Senator HOWELL HEFLIN. He came to the Senate, when I came to the House, in January 1979. He had a distinguished record as a lawyer and then as chief justice of the Alabama Supreme Court. He was very involved in the reform of our judicial system in Alabama.

In the Senate, he has served with distinction and honor. He chaired the Ethics Committee for a long time. He was also very active, and has been throughout his career, as a member of the Judiciary Committee and as a member of the Agriculture Committee.

But there are a number of other colleagues, other than Senator HEFLIN, whom we will miss.

Senator SIMPSON of Wyoming, former whip, our assistant minority leader, a man of untold ability, wit, and intelligence.

Senator SIMON of Illinois, a man of, I believe, unquestioned integrity.

Senator DAVID PRYOR of Arkansas, who was on the floor just a few moments ago, a former Congressman, former Governor of Arkansas, and now ending his third term as a Member of the U.S. Senate where he, too, has distinguished himself.

Senator CLAIBORNE PELL of Rhode Island, one of our senior Senators, chairman of the Foreign Relations Committee, very active for many, many years in the area of foreign relations and international relations. He also has made his mark in the field of education. We all know about the Pell grants and other things that he has spearheaded in America.

My colleague Senator SAM NUNN of Georgia. We will certainly miss Senator NUNN, because I always thought he brought a very reasoned position to foreign relations and to the Armed Services that we all deal with from time to time. I thought he was an outstanding—and this goes without saying—chairman of the Armed Services Committee where I had the privilege to serve with him on that committee for 8 years.

Senator NANCY LANDON KASSEBAUM, a Republican from Kansas, currently the chairman of the Education and Labor Committee, a distinguished Senator in her own right. We will certainly miss her. Look at just her recent leadership, working with the Senator from Massachusetts, Senator KENNEDY, in the insurance field in which we have made tremendous reforms, thanks to her.

Senator BENNETT JOHNSTON of Louisiana, former chairman of the Energy and Natural Resources Committee. We are certainly going to miss him. He has had a distinguished career here, 24 years in the U.S. Senate.

Senator MARK HATFIELD of Oregon, the current chairman of the Appropriations Committee that I now serve on. He has served with untold distinction, too, on that committee and has been involved in recent days and nights in the negotiations with the White House on this budget resolution that we are getting ready to deal with in just a few hours.

Senator JIM EXON of Nebraska, a former Governor of Nebraska, three-term Senator from Nebraska. I had the privilege of serving with him on the Armed Services Committee where he, too, served with honor and distinction.

Senator WILLIAM S. COHEN, a Republican from Maine, a former outstanding

Member of the U.S. House of Representatives before he was elected to the Senate. This is someone we will miss, not only his wit, his intelligence, his thoughtfulness, but also his writing ability at times helps us all.

Senator HANK BROWN, a Republican from Colorado. I had the honor to serve with him in the U.S. House of Representatives. What has saddened me, along with a lot of others, is, he will leave this body with such a bright and promising career after only 6 years.

Senator BILL BRADLEY of New Jersey, 18 years in the Senate, who has spent days and nights and weeks and months up here, I think not in vain, most of the time dealing with a commonsense income tax program for all Americans.

Mr. President, we will miss all these people because individually and collectively they have added a lot to this body. I wish them well in their future endeavors.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. I yield 15 minutes to the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

OMNIBUS CONSOLIDATED APPROPRIATIONS ACT, 1997

The Senate continued with the consideration of the bill.

AGE DISCRIMINATION

Mr. JEFFORDS. Mr. President, it will take weeks before we find out everything that has been included in the omnibus appropriations bill, but already we know it contains provisions that were not included in the appropriations bills of either body.

One of these provisions is section 119 of the Department of Defense Appropriations conference report, which contains amendments to the Age Discrimination in Employment Act.

This section would reinstate and substantially broaden a temporary exemption from the provisions of the ADEA given to public safety departments from 1986 through 1993.

Proponents of this language argue, and would probably like to believe, that this section does not amount to codification of discrimination. But here's how Webster's defines discrimination:

"To make a difference in treatment or favor on a class or categorical basis in disregard of individual merit."

That is a pretty clear statement. It is also a pretty good summary of the section in question. It says, in essence, that no one who is older than 55 can effectively serve as a police officer or firefighter, regardless of whether they are fit or unfit.